



Meeting Date: Sept. 17, 2019

## **AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**From:** Bill Detweiler, Director of Development Services  
Tara Vargish, Assistant Director of Development Services  
Tammy King, Zoning Manager  
Kevin Wrede, Planning Manager

**Title:** AN ORDINANCE AMENDING SECTION 15.54.020 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING ISSUANCE OF GRADING PERMITS; REPEALING CHAPTER 15.66; AND MAKING MINOR AMENDMENTS TO TITLES 15, 16 AND 18 OF THE CASTLE ROCK MUNICIPAL CODE and AN ORDINANCE AMENDING TITLE 17 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING ZONING BY REPEALING AND REENACTING CHAPTERS 17.01 THROUGH 17.10, CHAPTERS 17.14 THROUGH 17.30, CHAPTERS 17.36, 17.38.; REPEALING CHAPTER 17.20; AMENDING SECTIONS 17.50.040, 17.52.050, 17.52.060 AND 17.52.240; AND ADDING A NEW CHAPTER 17.39 ENTITLED USE BY SPECIAL REVIEW (*Second Reading*)

### **Executive Summary**

**The Title 15, 16 and 18 ordinance was approved by Town Council on first reading on September 3, 2019 by a vote of 6 to 0. The Title 17 ordinance was approved by Town Council on first reading on September 3, 2019 by a vote of 4 to 2.**

At the July 2, 2019 Town Council meeting and the Aug, 20, 2019 Town Council Study Session, staff presented a variety of proposed code changes in Titles 15, 16, 17 and 18 to Town Council. Staff finds that the overall cleanup and minor changes of Title 15, 16, 17, and 18, will ensure the code provides clear direction, removes conflicting language, and aligns with current practices identified from everyday use by staff. The updates are intended to make these sections of the CRMC easily interpreted by residents, developers, and Town staff while ensuring the code maintains all legal requirements.

The goal for this update is to be consistent with the 2030 Vision and Comprehensive Master Plan adopted by Town Council, improve the readability of some sections, provide clarification where needed, and propose some minor changes. Changes include updating the neighborhood meeting section to require more neighborhood outreach, increasing the public hearing notice distance, adding language allowing Town Council to remand development applications to the Planning Commission for reconsideration for specific reasons, updating the use definitions and associated use chart.

Planning Commission reviewed the proposed changes for Title 17 on May 23, 2019 and voted 5-0 to recommend approval to Town Council. The changes in Title 15, 16 and 18 were not a part of Planning Commissions review, as they do not relate to the land use items that go

through Planning Commission for recommendation. Staff recommends approval of Titles 15, 16 and 18 amendment to Town Council.

## **Discussion**

### **Background**

Castle Rock Municipal Code Title 17 is the Zoning code for the Town. It governs the allowable land uses within the Town, as well as the land development process and requirements, application types, public hearing process, and many additional areas that govern the development and use of land within the Town. It was established decades ago and over time, the Town Council has adopted revisions or updates to it. For reference, Title 17 had a major update in September of 2012, with a complete reorganization of the land development process and updates to almost all sections of this Title. Since that time, staff has identified some areas for clarification and improvement in the land development process.

Title 15 establishes the building, construction and public improvements codes for the Town. The sections on site construction and public improvements were greatly modified in the 2012 code updates as well, when the previous standalone 1999 Public Works Regulations were updated and the regulations brought into the CRMC in Title 15. Title 15 was also recently revised in 2019 by adopting the current residential and commercial building codes and amendments.

Minor changes are also recommended in Title 16 Subdivision Regulations and Title 18 Floodplain Regulations, as outlined below, to provide consistency in terminology throughout the code.

### **Summary of Title 15, 16, 17 and 18 Proposed Changes:**

**Title 15 General Update (Multiple Sections):** The Town recently adopted ordinance 2019-013 which updated the previous “Grading, Erosion and Sediment Control Manual (GESC/DESC)” to the “Temporary Erosion and Sediment Control Manual (TESC)” so associated adjustments to Title 15 are necessary to match the recently adopted technical manual changes.

**Section 15.54.020.F:** Staff is proposing to clarify that grading is allowed on a site, ahead of an approved Site Development Plan. During the 2012 update, the clarity in this language was not included in Title 15 or 17, however an allowance for grading was added to the newly adopted Development Procedures Manual at that time. Staff is proposing to add language to Title 15 to clarify that grading may be authorized and that the Town is not at risk by allowing grading ahead of an approved Site Development Plan.

**Section 15.64.060 Town of Castle Rock Historic Landmarks:** This list of locally landmarked properties was adopted into Town Code in 2009. Because this list has been updated over the years, staff is recommending removal of the reference to the list being current as of Jan 1, 2009.

**Section 15.65.070 National Register of Historic Places:** The Dyer House was added to the National Register of Historic Places in 2016; however, this section of Code was not updated at

that time. This update would add the Dyer House on this list so it is accurately described in Town Code.

**Section 15.66 Public Works Regulations:** This existing chapter of Title 15 was adopted in 2012 to allow transitional provisions to be in place for projects that had begun construction under the 1999 Public Works Regulations. There are no longer active construction projects that are governed by this transitional chapter 15.66. Staff is proposing to repeal this entire chapter.

**Title 16 General Update:** In 2012, the Town revised the subdivision process and replaced the two step “preliminary plat” and “final plat” process with a single “plat” step. Staff is recommending updating a few definitions that still use the “final plat” verbiage to remove this outdated reference.

**Section 16.06.010 Plat review and approval criteria:** Staff is proposing to correct the numbering/formatting in this section.

**Section 16.08.020 Purpose and Applicability:** Staff is proposing to clarify that Public Land Dedication requirements apply to all new plat, replat, plat modifications or lot line vacations that lead to an increase in density and are based on the incremental increase in density over an existing use. This is the intent and application of the current code, however staff is recommending some clarifying language in this section to ensure it is applied uniformly.

**Title 17 General Update (Multiple Sections):** Staff is proposing general formatting and updating of sections for ease of readability, clarity and corrections of minor errors.

**Section 17.01.020 General Provisions:** Staff is proposing an update to more clearly describe the applicability of Town Regulations as they relate to existing straight zoned properties and Planned Developments.

**Section 17.02.060 Zoning Process:** Staff is proposing to delete references to Intergovernmental Agreements that are no longer valid, amend wording to be consistent with the 2030 Vision and Comprehensive Master Plan, Town Guidelines and Manuals, and remove criteria that is not applicable to the Zoning Process.

**Section 17.04.040 Neighborhood Meetings:** As discussed with Council at the study session, staff is proposing to increase the number of required neighborhood meetings from one to three for zoning applications. One neighborhood meeting is required prior to application submittal to the Town, a second neighborhood meeting would be required after formal submittal and acceptance of an application, and a third neighborhood meeting would be required prior to the first public hearing. The Town Manager may waive one or more of these meetings based on good cause, such as lack of attendance and/or no plan changes throughout the process.

**Section 17.04.060 Notice for Public Hearings:** As discussed at the study session, staff is proposing to increase the required distance of mailed public hearing notice from 300 feet to 500 feet from the subject property. Increasing the notice distance to 500 feet will increase the number of surrounding residents who receive notice.

**Section 17.04.090 Public Hearings:** Staff is proposing to provide Town Council the option, in lieu of making a final determination, the ability to continue a public hearing to a date certain and direct the Planning Commission to address specific questions or issues on the application or review material modifications to the application made after the initial Planning Commission recommendation.

**Section 17.04.105 Administrative Variance:** As discussed at the August 20 study session, staff is proposing to update the Administrative Approval section to provide the Director of Development Services the ability to grant, on a single lot, a variance for height or setback as long as the change is no more than a 10% variance from the established criteria and will not substantially alter the character of the neighborhood. All setback and height variances that exceed the 10% threshold will be required to seek relief from the Board of Adjustment.

**Section 17.14.010 Definitions:** As discussed at the August 20 study session, staff is proposing to consolidate definitions that are generally applicable to all sections of the code into a single definitions section, and updating definitions that are no longer applicable or clearly outdated by comparing and amending the definitions to be consistent with the American Planning Association list of recommended definitions.

**Section 17.20.010 R1A Single Family Zone District:** Staff is proposing to delete references to the R1A zone district because there are no longer any properties within the Town zoned R1A.

**Section 17.28.030 Uses:** As discussed at the August 20 study session, staff is proposing to update the straight zone use chart. All uses will be listed alphabetically along with adding in the new defined uses, removing temporary uses, and removing blanks from the chart. The use changes only apply to the areas of town zoned Business and Industrial areas, and in areas with overlay zones.

As discussed at the August 20 study session, a new use that was added is “Rehabilitation clinic/facilities”. This is a new defined use and is proposed to be a permitted (P) use in the I-2 General Industrial zone, a Use by Special Review (UBSR) in the I-1 Light Industrial zone, and not allowed (N) in the Business/Commercial, Wolfensberger Overlay, Downtown Overlay or Front Street Overlay zones.

USE	B Business/ Commercial	I-1 Light Industrial	I-2 General Industrial	WNZOD Wolfensberger Overlay	DOD Downtown Overlay	FSOD Front Street Overlay
Rehabilitation clinic/facility	N	UBSR	P	N	N	N

In addition staff is proposing to allow “*Recreation, outdoor*” uses in I-2 zones, to clarify that trails and other walking, hiking, biking and outdoor public recreational facilities are allowed by right in this zone.

**Section 17.38.020 Site Development Plan/Public and Private Improvements required:** Staff is proposing to clarify that grading is allowed on a site, ahead of an approved Site Development Plan, however buildings and other site improvements are still not allowed until

the SDP is approved. This is related to the Title 15.54.020.F change mentioned earlier in this report.

**Section 17.38.030 Approval and Appeals:** Staff is proposing language to clarify when an administrative approval process would be applicable based upon non-material changes being requested for Site Development Plans downtown. Staff is proposing to add language, as originally intended with the Interchange/Overlay Zone District (I/O Zone), for administrative review of commercial and mixed-use projects within I/O Zone districts that are larger than 100,000 square feet in land area or greater than 10,000 sq. ft. in building area.

**Section 17.38.040 Site Development Plan Review and Approval Criteria:** Staff is proposing to clarify criteria and ensure the correct criteria associated with each phase of the zoning and site plan process is contained in the appropriate section. References to Intergovernmental Agreements that are no longer in affect were also deleted.

**Section 17.39.010 Use by Special Review:** Staff is proposing a new Title 17 section of the code to establish a clearly defined section for the Use by Special Review process and provide a dedicated section, for future Use by Special Review process amendments, to address the uniqueness of projects requiring Use by Special Review applications.

**Section 18.08.040 Floodplain development permit:** The reference to the outdated Grading Erosion and Sediment Control (GESD) Manual are proposed to change to the newly adopted Temporary Erosion and Sediment Control (TESC) Manual.

### **Public Notice**

The proposed amendments to Title 15, 16, 17 and 18 have been properly noticed per the Town of Castle Rock Municipal Code.

### **Budget Impact**

There is not a projected budget impact associated with the proposed Title 15, 16, 17 and 18 Amendments.

### **Recommendation**

Planning Commission voted on May 23, 2019 5-0 to recommend approval to Town Council of the proposed amendments to Title 17. The changes in Title 15, 16 and 18 were not a part of Planning Commissions review, as they do not relate to the land use items that go through Planning Commission for recommendation

Staff recommends approval to Town Council of the Title 15, 16, 17 and 18 proposed amendments.

### **Proposed Motions**

I move to recommend approval of the Title 15, 16 and 18 ordinance, as introduced by title, second reading.

I move to recommend approval of the Title 17 ordinance, as introduced by title, second reading.

**Attachments**

Attachment A: TITLE 15, 16 AND 18 ORDINANCE

Attachment B: TITLE 17 ORDINANCE